

2. Pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345, the United States District Court has jurisdiction over the subject matter of this civil action. This action is authorized and instituted pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

3. The unlawful employment practices alleged in this complaint were committed within the jurisdiction of the United States District Court for the Eastern District of Texas, Lufkin Division. Venue is appropriate in this court.

PARTIES

4. Plaintiff the Equal Employment Opportunity Commission ("EEOC" or "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000(e)-5(f)(1) and (3).

5. Defendant, National Vision, Inc. d/b/a The Vision Center ("Defendant") is a corporation doing business in the Wal-Mart at 2500 Daniel McCall Drive, Lufkin, Texas, 75904, and has continuously had at least fifteen (15) employees. Defendant may be served by serving its registered agent for service of process, The Prentice-Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

6. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Arriola, Wells, Padilla and McIntee filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled, including the filing of timely charges of employment discrimination, and an attempt to conciliate each matter.

8. Since at least 2003, Defendant engaged in unlawful employment practices in violation of Section 703(a)(1) of title VII, 42 U.S.C. § 2000e-2(a)(1), at its Lufkin location.

9. Since at least November 2003, Defendant's contract optometrist Dr. S. J. Charendoff ("Charendoff") subjected Arriola, Wells, Padilla and McIntee to unwelcome comments and touching of a sexual nature.

10. The conduct included, *inter alia*, Charendoff making sexually-charged comments to the women, inviting Arriola and Wells to sit on his lap, commenting on Wells' breasts, pressing his groin against Wells and Padilla's backsides and hips, and running his fingers through McIntee's hair.

11. The female employees resisted Charendoff's sexual comments and advances and complained about him to members of management to no avail.

12. The females were subjected to a series of separate, harassing acts that collectively constituted an unlawful employment practice.

13. The effect of the practices complained of in the preceding paragraphs has been to deprive Arriola, Wells, Padilla and McIntee of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

14. The unlawful employment practices of which the Commission complains in the preceding paragraphs were intentional.

15. The unlawful employment practices complained of in the preceding paragraphs were and are done with malice or reckless indifference to the federally protected rights of Arriola, Wells, Padilla and McIntee.

PRAYER FOR RELIEF

16. Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex;
- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for applicants and employees regardless of their sex, and which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant to make whole Lisa Arriola, Charlinda Wells, Martha Padilla and Tiffany McIntee by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in the preceding paragraphs.
- D. Order Defendant to make whole Lisa Arriola, Charlinda Wells, Martha Padilla and Tiffany McIntee by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in the preceding paragraphs, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.
- E. Order Defendant to pay Lisa Arriola, Charlinda Wells, Martha Padilla and Tiffany McIntee punitive damages for its malicious and reckless conduct, as described above, in an amount to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

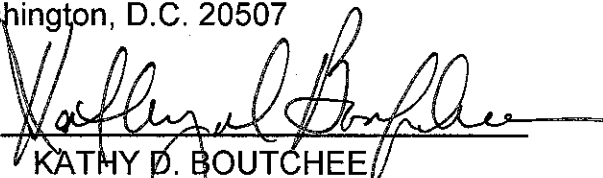
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